

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

TERRA PARTNERS,	§	
	§	
Plaintiff,	§	
vs.	§	CIVIL ACTION NO.
	§	2:08-CV-194-J
RABO AGRIFINANCE, INC. AND	§	(JURY DEMANDED)
AG ACCEPTANCE CORPORATION,	§	
	§	
Defendants.	§	

**TERRA PARTNERS AMENDED APPENDIX OF SUMMARY JUDGMENT  
EVIDENCE**

**TO THE HONORABLE U.S. DISTRICT JUDGE:**

COMES NOW, Terra Partners, Plaintiff, and submits its Appendix of Summary Judgment Evidence accompanying its Response in Opposition to Defendants' Motion for Summary Judgment and supporting Brief.

Respectfully submitted,

/s/ Steven E. Clark

Steven E. Clark  
Texas Bar No. 04294800

CLARK & MILBY, PLLC  
Elm Place  
1401 Elm St., Suite 3404  
Dallas, Texas 75202  
Tel.: 214-220-1210  
Fax: 214-220-1218  
Email: [sclark@camfirm.com](mailto:sclark@camfirm.com)

ATTORNEYS FOR PLAINTIFF TERRA PARTNERS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING DOCUMENT WAS  
SERVED BY ELECTRONIC FILING ON COUNSEL FOR DEFENDANTS ON THIS 26<sup>TH</sup> DAY OF MAY,  
2009.

/s/ Steven E. Clark

<b>Exhibit No.</b>	<b>Description</b>
<b>A</b>	<b>Plaintiff's Petition for Temporary Restraining Order and Injunction (CI-06F-057)</b>
<b>B</b>	<b>Temporary Restraining Order (CI-06F-057)</b>
<b>C</b>	<b>Order (2-06CV-153-J)</b>
<b>D</b>	<b>Opinion (2-06CV-153-J)</b>
<b>E</b>	<b>Cliff Walston deposition excerpts (condensed)</b>
<b>F</b>	<b>Bill Kirk deposition excerpts (condensed)</b>
<b>G</b>	<b>Steve Veigel deposition excerpts (condensed)</b>
<b>H</b>	<b>David LeBas letter dated November 14, 2008</b>
<b>I</b>	<b>Affidavit of Steven E Clark</b>
<b>J</b>	<b>Affidavit of Steve Veigel</b>
<b>J-1</b>	<b>2006-11-29 Order for AAC TRO &amp; Hearing</b>
<b>J-2</b>	<b>2008-03-27 AAC's 2nd Amended Petition</b>
<b>J-3</b>	<b>2008-04-28 Order RE AAC MSJ and Dismissal</b>
<b>J-4</b>	<b>2000-10-16 XXI Motion to Assume Leases</b>
<b>J-5</b>	<b>2000-11-02 Ag Services' Objection to XXI Lease Assumption</b>
<b>J-6</b>	<b>2000-11-17 Hearing Held RE XXI's Motion to assume leases</b>
<b>J-7</b>	<b>2000-12-21 Hearing Held RE XXI Motion to Assume Leases</b>
<b>J-8</b>	<b>2001-01-17 Agreed Order RE Assumption of XXI Leases</b>
<b>J-9</b>	<b>2001-11-30 ASV's Objection to XXI 2nd [1st] Modified Plan</b>
<b>J-10</b>	<b>2001-12-07 Agreed Order of Ag Services' Objection to XXI Plan</b>
<b>J-11</b>	<b>2001-12-07 Hearing on Confirmation of XXI 2nd Modified Plan</b>
<b>J-12</b>	<b>2001-12-07 XXI's 2nd Modified Plan</b>
<b>J-13</b>	<b>2002-01-11 Order Confriming XXI 2nd Modified Plan</b>
<b>J-14</b>	<b>2002-01-12 XXI Post-confirmation Order</b>
<b>J-15</b>	<b>2002-03-14 Hearing Held RE XXI Post Confirmation Status</b>
<b>J-16</b>	<b>2004-02-10 XXI Final Decree</b>
<b>J-17</b>	<b>2000-10-17 VFP Motion to Assume and Reject Contracts</b>
<b>J-18</b>	<b>2000-11-06 ASA &amp; AAC Objection to VFP Motion to Assume &amp; Reject Contracts</b>
<b>J-19</b>	<b>2000-11-17 Video Hearing RWE VFP's Motion to Assume &amp; Reject Contracts</b>
<b>J-20</b>	<b>2001-01-05 Agreed Order on VFP Assume &amp; Reject Contracts</b>

<b>Exhibit No.</b>	<b>Description</b>
<b>J-21</b>	<b>2001-11-30 Ag Services Objection to VFP Plan</b>
<b>J-22</b>	<b>2001-12-07 Agreed Order RE Ag Services' Objection to VFP Plan</b>
<b>J-23</b>	<b>2001-12-07 Hearing Held VFP 3rd Modified Plan Confirmed</b>
<b>J-24</b>	<b>2001-12-07 VFP Confirmed Plan</b>
<b>J-25</b>	<b>2002-01-03 Order Confirming VFP 3rd Modified Plan</b>
<b>J-26</b>	<b>2002-01-07 Certificate of Services of VFP Post-Confirmation Order</b>
<b>J-27</b>	<b>2002-03-14 Hearing Held RE VFP post-confirmation status</b>
<b>J-28</b>	<b>2004-02-10 VFP Final Decree</b>
<b>J-29</b>	<b>2002-10-25 Stipulation RE 10-20-02 Settlement</b>
<b>J-30</b>	<b>2003-07-15 Bench Ruling RE Clarified Settlement</b>
<b>J-31</b>	<b>2003-08-04 Order on Motion to Clarify &amp; Enforce Settlement</b>
<b>J-32</b>	<b>2003-08-28 Clarified Settlement Agreement</b>
<b>J-33</b>	<b>2005-12-06 NAD Director Review RE 2004 DCP</b>
<b>J-34</b>	<b>2006-01-10 NAD Denial of FSA's Reconsideration</b>
<b>J-35</b>	<b>2006-05-24 NAD Determination RE 2005 DCP</b>
<b>J-36</b>	<b>2006-08-02 NAD Director Review RE 2005 DCP</b>
<b>J-37</b>	<b>2006-09-08 NAD Determination RE 2006 DCP</b>
<b>J-38</b>	<b>2007-04-24 TP Cross Claim</b>
<b>J-39</b>	<b>2007-11-29 TP Leave to Amend Complaint</b>
<b>J-40</b>	<b>2007-12-05 Order RE Leave to Amend</b>
<b>J-41</b>	<b>2008-01-15 Fed #3 Final Judgment w-o Exhibits</b>
<b>J-42</b>	<b>2000-05-01 Equipment Lease</b>
<b>J-43</b>	<b>2004-01-01 Extension of XXI lease to TP</b>
<b>J-44</b>	<b>2000-05-01 BV's Lease to Terra Partners</b>
<b>J-45</b>	<b>2003-07-18 Extension of BV's lease to TP</b>
<b>J-46</b>	<b>2003-07-18 XXI Lease to TP</b>
<b>J-47</b>	<b>2006-10-1 Extension of BV's lease to TP</b>
<b>J-48</b>	<b>2002-01-08 FAC Post Confirmation Modification</b>
<b>J-49</b>	<b>2002-02-01 Harmon letter RE Redocumentation</b>
<b>J-50</b>	<b>2006-09-20 RAF-AAC Original Petition in Fed #3</b>
<b>J-51</b>	<b>2006-06-09 TRO in Fed #3</b>
<b>J-52</b>	<b>2006-06-23 Order RE Extending TRO</b>

<b>Exhibit No.</b>	<b>Description</b>
<b>J-53</b>	<b>2006-07-24 Rabo's Brief in Support of Injunction</b>
<b>J-54</b>	<b>2006-07-24 Order for Temporary Injunction</b>
<b>J-55</b>	<b>2006-10-17 Writ of Possession</b>
<b>J-56</b>	<b>2004-04-28 BV's Homestead Designation Ex 75</b>
<b>J-57</b>	<b>2006-10-23 BK's SWA Ticketless Confirmation</b>
<b>J-58</b>	<b>2006-10-27 Riney Letter RE Personal Property</b>
<b>J-59</b>	<b>2006-10-30 Van's Letter RE No Abandonment</b>
<b>J-60</b>	<b>2007-04-18 Smiens Testimony Excerpts RE Lien Position</b>
<b>J-61</b>	<b>2003-08-12 ASV Foreclosure Notice</b>
<b>J-62</b>	<b>2003-08-12 AAC Foreclosure Notice</b>
<b>J-63</b>	<b>2003-09-02 AAC Trustee's Deed</b>
<b>J-64</b>	<b>2003-08-25 Special Warranty Deed From AAC</b>
<b>J-65</b>	<b>2003-08-14 Real Estate Lien Note</b>
<b>J-66</b>	<b>2003-08-14 Deed of Trust</b>
<b>J-67</b>	<b>2003-10-08 Trustee's Deed of Trust</b>